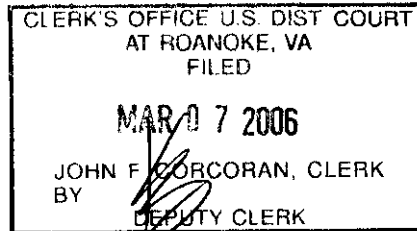


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



CHRISTOPHER J. GIBSON,) Civil Action No. 7:05cv00743
Petitioner,)
)
v.) MEMORANDUM OPINION AND
) ORDER
)
UNITED STATES OF AMERICA,)
Respondent.) By: Hon. Michael F. Urbanski
United States Magistrate Judge

This matter is before the court upon petitioner Christopher J. Gibson's letter, which the court will construe as a motion for free copies of his trial transcripts and documents entered during his criminal trial.¹ However, the petitioner has failed to state any reason for needing these documents.

An indigent defendant who is pursuing a motion under §2255 is entitled to free transcripts from his criminal proceedings only if the court finds that the §2255 motion is not frivolous and the transcript is needed to decide the issues presented in the motion. See 28 U.S.C. § 753(f); United States v. MacCollom, 426 U.S. 317 (1976); United States v. Shoaf, 341 F.2d 832, 833-34 (4th Cir. 1964)(indigent defendant must show some need for transcript beyond his mere desire to comb the record in hope of discovering errors to raise in habeas). As the petitioner did not need these transcripts or documents to prepare his §2255 motion and has not explained why he now needs these transcripts or documents, the court cannot find at this time that he is entitled to these documents at court expense.

¹Petitioner requests the court provide him with copies of docket entries 24-29 and 32-33, from criminal case number 7:04cr00053, which consist of minute entries of proceedings, an order to continue, Gibson's plea agreement, Gibson's guilty plea form, and the final judgment entered against Gibson.

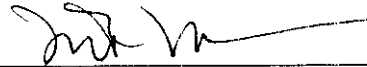
In accordance with the foregoing, it is hereby

ORDERED

that defendant's motion for free transcripts shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order to the defendant.

ENTER: This 7th day of March, 2006.



United States Magistrate Judge